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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/584,250

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Helen Avraamides

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EXAMINER

WILLIAMS, JAMILA O

ART UNIT

PAPER NUMBER

3725

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/584,250	Applicant(s) AVRAAMIDES, HELEN	
	Examiner JAMILA WILLIAMS	Art Unit 3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2-16-07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 3-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3, it is unclear what structures are encompassed by the phrase "board-like construction".

In claim 5, it is unclear what is encompassed by the phrase "the securing mechanism comprises a row of clasps fast with the rear cover adjacent the spine or fast with the spine).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5,8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over 7,210,936 to Moeller et al (hereinafter Moeller).

Regarding claim 1, Moeller discloses a file assembly (figure 7) for keeping personal records including in combination a sleeve (268, sleeve is clearly shown in figure 5) having opposed operatively front and rear walls (308,320), the front wall (320)

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being smaller than the rear wall (308) and the front wall having a periphery along part of which it is secured to the rear wall such that the walls define between them a pocket having a peripheral opening (see figure 5), a photograph display device for displaying at least one photo (see page 264 of figure 7 having transparent sheet 277 overlaying the items displayed on the page- see also column 8 lines 59-63, this page with transparent overlay can inherently be used for storing photos), a binder 360 within which the sleeve and photograph device are received, the binder having a securing mechanism (362) for releasably securing each sleeve and display device therein.

As shown in figure 7, Moeller provides one sleeve and one display device, however in column 4 lines 67 through column 5 lines 1-5, Moeller teaches the assembly will have a plurality of pages positioned between the front and back covers depending on the needs of the particular task. In light of this teaching it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a plurality of sleeves and photograph display devices for the purpose of better organizing a particular task.

Regarding claim 2, Moeller discloses the binder includes a planar rectangular front/rear covers and a spine interconnecting the covers in fold-book fashion (figure 7 shows open position of covers), the securing mechanism (362) being located between the covers, each sleeve and display device being secured between the covers of the binder (figure 7).

Regarding claims 3-4, Moeller discloses the front/rear covers and spine are board-like construction, the spine being rectangular and adjacent edges of the spine

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and each cover defining a pair of folding lines about which the binder is foldable, the covers and spine are integrally formed and provided with two laterally spaced substantially parallel grooves (figure 7 shows binder in open position with unnumbered fold lines or grooves at each side of mechanism 362. If it is later deemed that this figure does not illustrate fold lines/grooves, the examiner takes official notice that it is well known in the binder art to have covers with a central spine section supporting a page securing device and having fold lines/grooves such that the cover can be manipulated between open/closed positions).

Regarding claim 5, Moeller discloses the securing mechanism (362) comprises a row of clasps fast with the spine and spaced in series from each other, each sleeve and photograph display device being provided with corresponding plurality of openings adjacent edges thereof to receive clasps (rings of securing device 362 as shown in figure 7).

Regarding claim 8, Moeller discloses the photograph display device includes at least one rectangular transparent photograph-receiving pocket (277 or pockets disclosed in column 5 lines 43-59 can be associated with any of the pages in the assembly).

Regarding claim 9, Moeller discloses the photograph display device and rear wall of the sleeve are essentially the same shape when seen face on (figure 7). Regarding sizing of the sleeve and photograph display device being smaller than the covers, it would have been an obvious matter of design choice to have the sleeve/display smaller than the covers, since such a modification would have involved a mere change in size

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of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose 105 USPQ 237 (CCPA 1955).

Regarding claim 10, Moeller discloses a plurality of photograph display devices and sleeves removably secured in the binder (figure 7). Since the pages are removably secured, it would have been obvious to one having ordinary skill in the art at the time the invention was made to arrange the display devices and sleeves in interleaved arrangement as suited for the intended use.

Additionally, it would have been obvious to one having ordinary skill in the art at the time the invention was made to interleave the sleeves and display devices since it has been held that rearranging parts of the invention involves only routine skill in the art. In re Japikse 86 USPQ 70.

Regarding claim 11, Moeller discloses a protective cover 18 within which the binder is received for protecting it, the cover being in the form of a box-shaped sheath (figure 1).

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moeller in view of 5,713,684 to Turecamo.

Moeller discloses the elements of the claim but for the area of the rear wall surrounding the openings being reinforced. Turecamo teaches pages having reinforcing section 18. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the reinforcing teaching of Turecamo with the pages of

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Moeller for the purpose of allowing for repeated removal/insertion of the pages from the binder.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moeller in view of 6,209,778 to Henrikson et al (hereinafter Henrikson).

Moeller discloses the elements of the claims including having the sleeve as claimed. Moeller does not however disclose the sleeve is of unitary construction from a single sheet of cardboard. Henrikson teaches having a sleeve (figure 9) of unitary construction from a single sheet of paper material (which would include cardboard). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the teachings of Henrikson with the sleeve of Moeller for the purpose of providing a sleeve of a single material and therefore easier assembly.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. This is simply art of interest and was not used to reject any claims in this office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMILA WILLIAMS whose telephone number is (571)272-4431. The examiner can normally be reached on Monday-Thursday 6:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dana Ross can be reached on 571-272-4480. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. W./
Examiner, Art Unit 3725

/Dana Ross/
Supervisory Patent Examiner, Art
Unit 3725